

United States District Court

for the

Eastern District of Pennsylvania

July 24, 2012

U.S.A. vs. Michael Shawn Schaefer

Case No. 2:99CR00108-03

FILED

JUL 24 2012

MICHAEL E. KUNZ, Clerk
Dep. Clerk**VIOLATION OF SUPERVISED RELEASE**

COMES NOW David W. Merth U. S. PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Michael Shawn Schaefer who was placed on supervised release by the Honorable Harvey Bartle, III sitting in the Court at Philadelphia PA, on the 3rd day of August, 1999 who fixed the period of supervision at three years, and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

ORIGINAL OFFENSE: Conspiracy (Count One); armed bank robbery (Count Two); and use of a firearm during a violent crime (Count Three).

ORIGINAL SENTENCE: The defendant was sentenced to the custody of the U.S. Bureau of Prisons for a period of 60 months on Count One, 96 months on Count Two, to be served concurrently, and 60 months on Count Three to be served consecutively to Counts One and Two, followed by three years supervised release on all counts concurrently. A special assessment of \$300.00 was ordered.

MODIFICATION OF CONDITIONS: On July 26, 2010, Your Honor approved a modification of the supervised release conditions to include that the defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It was further ordered that the defendant shall submit to drug treatment as approved by the Court after receiving a recommendation by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the Court.

MODIFICATION OF CONDITIONS: On June 6, 2011, Your Honor approved a modification of supervised release conditions to include that the defendant be placed on home confinement with electronic monitoring for a period of 90 days. Home confinement will occur as soon as practicable. The government shall pay the costs associated with electronic monitoring.

DATE SUPERVISION COMMENCED:

June 24, 2010

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The above probation officer has reason to believe that the supervised releasee has violated the terms and conditions of his supervision under such circumstances as may warrant revocation. These conditions are:

A. General Condition: The defendant shall not commit another federal, state, or local crime.

On July 20, 2012, U.S. Probation Officer David Merth received a telephone call from Detective Garner of the Lower Merion Police advising that an Arrest Warrant was issued on July 20, 2012 for Michael Schaefer, stemming from an armed robbery that occurred on Saturday, July 14, 2012.

On July 24, 2012, Philadelphia Police in conjunction with the Lower Merion Police Department, arrested Michael Schaefer on multiple counts of conspiracy - robbery, robbery - threat of immediate serious injury, possession of a firearm, and a number of other charges.

According to the Affidavit of Probable Cause, on July 14, 2012, four black males entered Hymies Restaurant, located at 342 Montgomery Avenues in Merion Station, Pennsylvania. All four males faces were concealed with ski masks or bandanas and at least two of the males were armed with handguns that were being displayed in their hands; one male held a shotgun. Two of the males entered through the back door of the restaurant shouting "Go the fuck up front" and "Lay down on the floor." As the customers and employees complied, the men continued to yell and demanded that they turn over all cell phones and wallets. The four men continued to repeat their demands and collected the named items. While this was happening, the manager of the restaurant, removed two deposit envelopes containing cash from his back pocket and threw them on the floor. One of the suspects was with the manager, who was accessing the cash register. When it appeared that the manager was going too slowly, the man threatened to shoot. After the manager opened the cash register, one suspect was taking cash from the register while another shouted that there was a car out front. All four of the suspects then fled the restaurant, running out of the back door into a parking lot. Prior to fleeing the scene, the suspects collected several cell phones, wallets, deposit envelopes which contained approximately \$2000.00, and two boxes of candy.

According to the report, responding police officers conducted a search of the area where the suspects were seen fleeing. Numerous items, including ski masks, dark clothing, latex gloves, cell phones, trash bags and a black handgun were recovered within the surrounding area of Hymies Restaurant and Sycamore Court Apartments, a neighborhood apartment complex. After continuing to check the area for additional evidence, police discovered a Lincoln Town Car which was parked in the Sycamore Court Apartment complex. As the officer illuminated the interior of the vehicle, he noticed that a shotgun was laying in the rear passenger compartment. After securing the shotgun, the vehicle was towed from the scene and secured by police. It is noted that the vehicle is registered to Michael Shawn Schaefer.

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On July 16, 2012, after having secured a search warrant for the Lincoln Town Car, numerous documents were found in the vehicle in the name of Michael Shawn Schaefer, and a pair of latex gloves which did not appear to have been used.

In addition to this information, surveillance videos were obtained from Hymies Restaurant and other businesses in the surrounding area. The videos show two of the suspects seen walking toward the rear of Hymies Restaurant from the Sycamore Court Apartments where the Lincoln Town Car was found. There is also a video that shows these suspects entered the business through the back door, and after several minutes, showed them running out of the back door, where they were last seen entering the parking lot of the Sycamore Court Apartments.

GRADE OF VIOLATION

A

B. General Condition: The defendant shall not commit another federal, state, or local crime.

On February 9, 2012, Mr. Schaefer was arrested by the Philadelphia Police Department and charged with criminal conspiracy, theft by unlawful taking, possession of instruments of a crime, and criminal mischief. According to the police arrest report, the police responded to a radio call that a theft was in progress at 8242 Clearview Street, Philadelphia, Pennsylvania. Upon their arrival, they observed two males (Michael Schaefer and Anthony Barrett) on each side of a 2000 Pontiac (PA Tag: HJW-5504). Both males had tools in their possession and on the ground around the vehicle. The police observed that the front wheel of the driver side of the vehicle had a Philadelphia Parking Authority (PPA) boot that was damaged with half of it broken off. Following their arrest, an investigation determined that the vehicle was registered to Roger Major, Michael Schaefer's uncle. The PPA boot was valued at \$500.00.

On February 10, 2012, Mr. Schaefer was released from custody after having posted 10% of \$2,000.00 bail. Trial is scheduled for August 6, 2012, in the Municipal Court of Philadelphia County.

GRADE OF VIOLATION

B

C. General Condition: The defendant shall not commit another federal, state, or local crime.

On May 22, 2011, Philadelphia Police issued an arrest warrant for Mr. Schaefer following an incident which occurred on May 12, 2011. On May 23, 2011, Mr. Schaefer was arrested at the U.S. Probation Office by Philadelphia Police. He was charged with criminal trespassing, simple assault, recklessly endangering another person and burglary.

According to the police affidavit, on May 13, 2011, the complainant, Victoria Moore, reported to Philadelphia Police that on May 12, 2011, at approximately 10:30 p.m., her exboyfriend, Michael Schaefer, came to her home located at 2944 Garritt Street in Philadelphia, unannounced and punched her in the face approximately four times.

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She reported that she had been in a relationship with him for three weeks before she ended the relationship. Mr. Schaefer reportedly left some clothing and a DVD at her home and she was attempting to arrange for him to retrieve his belongings. On May 12, 2011, she sent him a text message asking if he was going to pick up his belongings. Mr. Schaefer called her several times but she did not answer his calls. At 10:30 p.m., he came to Ms. Moore's residence. Ms. Moore reported that she answered the door while wearing her bathrobe and opened the door just enough to hand him a bag which contained his belongings. Mr. Schaefer allegedly stepped into the doorway and stated "Is this all of my stuff?" Ms. Moore directed that he not come in her home because she was not wearing any clothing. Mr. Schaefer replied "I don't care if you don't have any clothes on" and punched her several more times. Ms. Moore told him to leave her home. Mr. Schaefer chased her around the inside of her home until she left through the front door. He chased her into the street then left in a vehicle.

According to the report, the police observed cuts on the victim's nose and lips as well as swelling around her left eye. Her injuries were photographed.

On May 24, 2011, Mr. Schaefer was released from local custody after having posted bail totaling \$500.00. Trial has been scheduled for August 6, 2012 in the Court of Common Pleas of Philadelphia County.

GRADE OF VIOLATION**B**

D. Standard Condition #7: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

Since supervised release commenced, the offender submitted a positive urinalysis test for marijuana on March 18, 2011, and positive urinalysis tests for cocaine on November 9, 2010 and on May 23, 2011.

GRADE OF VIOLATION**C**

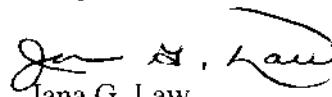
RE: Schaefer, Michael Shawn
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PRAYING THAT THE COURT WILL ORDER...

**THE ISSUANCE OF A
WARRANT TO ACT AS A
DETAINER FOR THE NAMED
SUPERVISED RELEASEE TO
BE ARRESTED AND BROUGHT
BEFORE THE COURT FOR A
REVOCATION HEARING.**

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully,

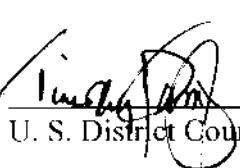


Jana G. Law
Supervising U.S. Probation Officer

Place Philadelphia, PA
Date July 24, 2012

cc: Assistant U.S. Attorney
Defense Attorney
U.S. Marshal's - Warrant Squad

ORDER OF THE COURT
Considered and ordered this 24th
day of July, 2012 and ordered
filed and made part of the records in
the above case.


U. S. District Court Judge (EMERGENCY JUDGE)


WARRANT ISSUED

INFORMATION SHEET FOR REVOCATION OF SUPERVISION

United States of America) Case No. 2:99CR00108-03

vs.)

Michael Schaefer)

Defendant's last known
Address and Telephone No.

7029 Lynford Street

Philadelphia, Pennsylvania 19149
267-206-2664

Defendant's in custody at:

Lower Merion Police Department
(awaiting arraignment)

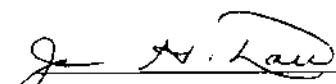
Defendant's last known
Counsel, Address and
Telephone number:

Sandra Burd, Esquire
1507 Gregg Street, Suite B
Philadelphia, Pennsylvania 19115
215-676-9420

Assistant U.S. Attorney:
Street Address:
City and State:
Telephone No.:

To be assigned (previously - Judson Aaron)
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
215-861-8200

Other Information:


for: David W. Merth
U.S. Probation Officer

Telephone No. 267-299-4568